

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

TYCO HEALTHCARE GROUP LP and  
MALLINCKRODT INC.,

Plaintiffs,

v.

MUTUAL PHARMACEUTICAL COMPANY,  
INC. and UNITED RESEARCH  
LABORATORIES, INC.,

Defendants.

Civil Action No. 07-1299 (SRC)

**ORDER**

**CHESLER, U.S.D.J.**

This matter comes before the Court on five motions: 1) the motion for summary judgment of invalidity for improper inventorship and derivation by Mutual Pharmaceutical Company, Inc. and United Research Laboratories, Inc. (collectively, “Mutual”); 2) Mutual’s motion for summary judgment of noninfringement; 3) Mutual’s motion for summary judgment of obviousness; 4) the cross-motion for partial summary judgment of invalidity for improper inventorship and derivation by Plaintiffs Tyco Healthcare Group LP and Mallinckrodt Inc. (collectively, “Tyco”); and 5) Tyco’s cross-motion for partial summary judgment of obviousness; and the Court having considered the parties’ submissions; and for the reasons stated in the accompanying Opinion, and good cause appearing

**IT IS** on this 4th day of May, 2010,

**ORDERED** that Mutual’s motion for summary judgment (Docket Entry No. 325) is **GRANTED**; and it is further

**ORDERED** that the remaining motions and cross-motions for summary judgment (Docket Entry Nos. 320, 323, 340, and 346) are **DENIED** as moot; and it is further

**ORDERED** that, pursuant to 35 U.S.C. § 103(a), U.S. Patent No. 5,211,954 is invalid for obviousness.

s/ Stanley R. Chesler  
STANLEY R. CHESLER, U.S.D.J.